

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

NOV 14 2019

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. S2-4:18 CR 392 CDP/PLC
)
LISA M. BAUMANN and)
SAMUEL MARION SMITH, JR.,)
)
Defendants.)

SECOND SUPERSEDING INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));

(b) "sexually explicit conduct" to mean actual or simulated

(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. § 2256(2)(A)); and

(c) “computer” to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6)).

(d) “child pornography” to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The “Internet” was, and is, a computer communications network using interstate and foreign telephone lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about June 1, 2014, and on or about August 11, 2017, in the Eastern District of Missouri, and elsewhere,

LISA M. BAUMANN,

the defendant herein, did knowingly employ, use, persuade, induce, entice, “GB,” who was a minor, to engage in sexually explicit conduct, specifically, defendant photographed “GB” in a lascivious display of his genitals, and said sexually explicit conduct was for the purpose of

producing visual depictions of such conduct, and such depictions were produced using Samsung Galaxy S3 cell phone,

In violation of Title 18, United States Code, Section 2251(a) and punishable under Title 18, United States Code, Section 2251(e).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. That Samuel Marion Smith, Jr., was convicted of Criminal Sexual Conduct, Third Degree (Person Thirteen through Fifteen), on December 17, 1996, in the 38th Circuit Court, Monroe County, Michigan.

3. In or around July 2017, in the Eastern District of Missouri, and elsewhere,

LISA M. BAUMANN

and

SAMUEL MARION SMITH, JR.,

violated Title 18, United States Code, Sections 2423(b) and 2, by Samuel Marion Smith, Jr., traveling to the Eastern District of Missouri, and while in the State of Missouri, Samuel Marion Smith, Jr., touched the penis of G.B., a minor, and attempted to insert G.B.'s penis into Lisa M. Baumann's vagina, in violation of Mo. Rev. Stat. §§ 566.034 (2017) and 566.061 (2017), and In violation of Title 18, United State Code, Section 2423, and punishable under Title 18, United States Code, Section 2426.

COUNT III

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. That Samuel Marion Smith, Jr., was convicted of Criminal Sexual Conduct, Third Degree (Person Thirteen through Fifteen), on December 17, 1996, in the 38th Circuit Court, Monroe County, Michigan.

3. In or around July 2017, in the Eastern District of Missouri, and elsewhere,

SAMUEL MARION SMITH, JR.,

the defendant herein, committed the felony offense involving a minor charged on Count Two of this Indictment and defendant committed this offense at times when he was required to register as a sex offender under the laws of the State of Michigan,
In violation of Title 18, United States Code, Section 2260A.

A TRUE BILL.

FOREPERSON

JEFFREY B. JENSEN
United States Attorney

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Assistant United States Attorney